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7 AMEER GHUSAIN,  
8 Plaintiff,  
9 v.  
10 PETER WEBB, et al.,  
11 Defendants.

Case No. [3:24-cv-01863-JSC](#)

12  
13 **ORDER RE: MOTION TO DISMISS  
14 AND MOTION TO STRIKE**

15 Re: Dkt. Nos. 22, 29.

16 On September 26, 2024, Defendants motions to dismiss and strike came before the Court  
17 for hearing. (Dkt. Nos. 22, 29.)<sup>1</sup> At the commencement of the hearing, Plaintiff advised the  
18 Court he had reached a settlement of his claims against United. United's motion to dismiss is  
19 therefore DENIED AS MOOT. For the reasons stated on the record, the Court GRANTS  
20 Defendant Balfour Beatty Infrastructure Inc.'s motion to dismiss with leave to amend and  
21 DENIES its motion to strike. (Dkt. Nos. 29.) Plaintiff's "fraud and e-signature forgery" claim is  
22 dismissed because, among other defects, Plaintiff has not plausibly alleged justifiable reliance on a  
23 misrepresentation made to him. Any amended complaint shall be filed by a deadline to be  
24 discussed at the initial case management conference.

25 Defendant's motion to strike Plaintiff's punitive damages demands is denied because  
26 Defendant moved to strike pursuant to Federal Rules of Civil Procedure 12(f), which is the  
27 improper mechanism for dismissing punitive damages demands. *See Whittlestone, Inc. v. Handi-*  
*Craft Co.*, 618 F.3d 970, 973-74 (9th Cir. 2010) (concluding Rule 12(f) "does not authorize a  
district court to strike a claim for damages on the ground that such damages are precluded as a

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1 Record citations are to material in the Electronic Case File ("ECF"); pinpoint citations are to the  
ECF-generated page numbers at the top of the documents.

1 matter of law," and such "actions are better suited for a Rule 12(b)(6) motion or a Rule 56  
2 motion").

3 The Court CONTINUES the initial case management conference to December 12, 2024 at  
4 1:30 p.m. via videoconference. A joint case management conference statement is due December  
5, 2024.

6 This Order disposes of Docket Nos. 22 and 29.

7 **IT IS SO ORDERED.**

8 Dated: September 27, 2024

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11 Jacqueline Scott Corley  
12 JACQUELINE SCOTT CORLEY  
13 United States District Judge  
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